

6 FAM 790

CAPITAL CONSTRUCTION AND MAJOR IMPROVEMENT PROJECTS

(TL:GS-59; 10-01-1999)

6 FAM 791 SCOPE AND APPLICABILITY

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

Capital construction and major improvement projects are generally executed by A/FBO. The regulations in this subchapter pertain to those aspects of capital construction and major improvement projects that require post support or action. The responsibilities and restrictions related to construction activities of USAID are covered in 6 FAM 794 and 6 FAM 795. USAID does not follow 6 FAM 792 and 6 FAM 793 unless construction is on A/FBO-held land. Questions and comments on these policies and regulations may be directed to A/FBO/PE/CM or A/FBO/PE/CSM for State or USAID/W (M/AS/OMS) for USAID.

6 FAM 792 POLICY

6 FAM 792.1 Identification and Selection of Projects

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. A/FBO establishes priorities and final rankings of proposed major construction and capital improvement projects after consultation with the regional bureaus, Diplomatic Security (DS), posts, and interested agencies, using such criteria as security, fire and life safety, building condition, and “must-move” situations.

b. Posts shall not incur obligations or make commitments to landowners, architects, engineers, contractors, or other parties in connection with proposals and recommendations for major construction projects without specific prior written authorization from A/FBO.

6 FAM 792.2 Controlling Change in the Design and Construction of Diplomatic Facilities

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. A/FBO manages the planning for new facility construction and major renovations. The post and other interested parties will be notified of any project proposed for that post. They will be requested to assist and participate during each phase of project development (i.e., site selection, space programming, design, and construction).

b. Once the design of a new building or major renovation has reached the 35 percent or equivalent stage, its siting, appearance, size, configuration, and functions have been fixed; space allocated; and electrical, communications, heating, air conditioning, and security systems determined. Design changes made after this stage are costly. For this reason, after 35 percent or equivalent design approval (following review of the design documents by A/FBO, the *chief of mission* (COM), and affected bureaus and agencies) changes in project design will not be considered unless there is a major change in circumstances. Any changes after 35 percent design approval that affect cost, schedule, or scope, must be reviewed and approved in accordance with A/FBO's Configuration Management System.

6 FAM 792.3 Construction Security

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. Under the Foreign Relations Authorization Acts for FY 1989 and 1991 and 12 FAM 360, the Department must certify project security to Congress, or confirm it internally, before undertaking any new construction or renovation projects in a facility abroad that is intended for the storage of classified material or the conduct of classified activities when such projects affect *controlled access area* (CAA) space or public access controls (PAC). For all new office buildings (NOBs) and other projects costing \$1 million or more, the Secretary must certify to Congress the security of the project before and after construction and the plans to evaluate and maintain security. For projects costing less than \$1 million but more than \$100,000, the Assistant Secretary for Diplomatic Security or his designee is required to confirm the project security (see 12 FAM 362).

b. The proponent of a project (post, Department organization, or tenant agency) must provide A/FBO/PE/CSM with complete project information. After assembling this information, A/FBO/PE/CSM will provide DS with a Construction Security Plan (CSP), and DS will initiate the certification or confirmation process. No new construction or renovations requiring either certification or confirmation shall take place until appropriate project approval is obtained from DS (see 12 FAM 361).

6 FAM 792.4 Onsite Supervision

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. A/FBO assigns a full-time, onsite *project director* (PD) and technical support staff for capital construction and major improvement projects. A/OPE appoints the PDs and sends both a hard copy warrant and a cable to post explaining this official's authority. The PD is responsible for the construction management and engineering oversight of the project and is the contracting officer's representative. All communications related to the project between the post and A/FBO are to be directed to, or coordinated with, the PD.

b. The Project Director may be given authority, within specific limits determined by the Department and identified in writing, to execute change orders for amendments and modifications to State Department construction contracts. The contract modification limitations for each project are determined on a case-by-case basis but may not be used to change the scope or design intent of the contract.

6 FAM 793 POST ADMINISTRATIVE RESPONSIBILITIES

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture/DIA)

a. The costs of U.S. citizen employees assigned abroad, including regular salary, differential, benefits, and post assignment transfer costs, are funded domestically by A/FBO. Allotments to post are issued to cover premium compensation (see 3 FAM 3120), educational allowances, and local costs such as housing and related costs, travel, supplies and materials, consultant fees, and the salaries and benefits of locally hired employees. The post contracting officer hires local employees under contract and procures goods or other services.

b. A/FBO may provide funds to the PD for procurement of vehicles locally or transfer of vehicles from another project. The vehicles are for the exclusive use of the PD for official travel during his or her assignment to the project and belong to A/FBO and may not be included in the post motor

pool. However, authorized use, but not business use, is subject to COM guidance under 6 FAM 228.

c. The post may be asked to support some or all budget and fiscal activities for the contract, including PD-approved contractor progress payments when approved by the PD, and to provide administrative support to the PD and his or her staff consistent with that given to other State Department employees. The PD and the PD's U.S.-hired staff are usually assigned to STL quarters commensurate with their grades and family size and provided FFA&E, both funded out of the A/FBO project supervision funds. The post may elect to furnish these residences with post-held FFA&E, and A/FBO will reimburse the post. Consistent with 6 FAM 700 and the post's housing policy, the PD should be consulted in the selection of housing for the PD and the PD's staff (see 6 FAM 724, 6 FAM 723.5, and 6 FAM 727).

d. No post official has the authority to approve or order changes in the terms or conditions of A/FBO contracts. Authority to sign official contract documents will be transmitted to post telegraphically by A/FBO.

6 FAM 794 USAID-FUNDED CAPITAL CONSTRUCTION AND MAJOR IMPROVEMENTS

(TL:GS-43; 4-27-96)
(USAID Only)

Capital construction and major improvements funded by USAID follow the regulations outlined for State in 6 FAM 790 with the following exceptions:

(1) Authority for funding of capital construction or major improvements is derived from Section 636(c) of the Foreign Assistance Act of 1961, as amended, or through trust funds made available by the host government.

(2) Real property acquired with trust funds must be for the use of USAID personnel, unless a special use agreement is negotiated with the host government.

(3) Contracting for USAID-funded or trust-funded construction or capital improvements, including selecting architectural and engineering (A&E) consultants, usually will be done by USAID contracting officers using USAID contracting regulations. An exception is construction on A/FBO-held land, in which case A/FBO will be responsible for selection of A&E contractors and for construction management.

(4) Legal documents pertaining to real property acquired with 636(c) funds or trust funds, and requests for changes in USAID-funded construction or capital improvements should be submitted by the senior USAID officer at post to USAID/W (M/AS/OMS).

(5) Funds made available under section 636(c) of the Foreign Assistance Act of 1961, as amended, shall not be used for construction, renovation, or long-term lease of recreational facilities unless such use is authorized or approved by USAID/W (M/AS/OMS).

6 FAM 795 GUIDELINES FOR USAID CONSTRUCTION

6 FAM 795.1 General

(TL:GS-43; 4-27-96)
(USAID Only)

a. USAID will obtain IG/SEC and DS approval of capital construction and major improvement plans, specifications, blueprints, and other pertinent documents. M/AS/OMS will coordinate with A/FBO for technical review and comments.

b. USAID/W may request assistance from A/FBO in obtaining A&E and other services. In determining space needs, USAID will generally follow A/FBO's "*Architectural and Engineering Design Guidelines and Criteria*."

c. Approval and funding requests for USAID GO/LTL property must be addressed to USAID/W (M/AS/OMS). For emergency projects, the AID Mission Director should contact USAID/W (M/AS/OMS) regarding the information needed.

d. Funding for A&E plans may be available and may be requested from USAID/W, as appropriate. M/AS/OMS will coordinate this request on the mission's behalf.

6 FAM 795.2 USAID Funding and Accounting

(TL:GS-43; 4-27-96)
(USAID Only)

Appropriations of other U.S. Government agencies may not be charged for maintenance, repair, alteration, or improvement of USAID-owned property, except that funds of such agencies may be used to finance alterations that are required to meet needs peculiar to the program of the using agency. In such cases, the proposals must have technical review and recommendation by USAID/W (M/AS/OMS and IG/SEC), DS, and A/FBO, as well as the program approval and funding authorization of the agency concerned. A written agreement between or among agencies will make an exception to this rule.

6 FAM 795.3 USAID Contracts

(TL:GS-43; 4-27-96)
(USAID Only)

a. Upon approval of a proposed major improvement by USAID/W (M/AS/OMS), USAID missions are authorized to proceed in accordance with USAID procurement and contracting policies and procedures as set forth in the Federal Acquisition Regulation (FAR), USAID Acquisition Regulations, and any other related USAID directives.

b. To request changes for USAID 636(c) projects, the senior USAID officer at post must submit changes to USAID/W (M/AS/OMS) which will coordinate with the appropriate parties.

6 FAM 795.4 USAID Director's Residence

(TL:GS-43; 4-27-96)
(USAID Only)

For any work other than routine maintenance and repair on an USAID-owned official residence of the USAID mission director, the written approval of the USAID mission director is required to be kept on file for all work orders, requisitions, and procurement documents. Prior A/FBO approval is required if the residence is GO/LTL by State.

6 FAM 796 THROUGH 799 UNASSIGNED